UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,303	10/12/2000	Paul J. Miller	30750	8638

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EXAMINER
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ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _03 September 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-27_ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-27_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some *   c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This is in response to the applicant's communication filed on September 3,

2004, wherein:

Claims 1- 27 are currently pending in this application;

Claims 24-27 have been added.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described
as set forth in section 102 of this title, if the differences between the subject matter sought to
be patented and the prior art are such that the subject matter as a whole would have been
obvious at the time the invention was made to a person having ordinary skill in the art to which
said subject matter pertains. Patentability shall not be negatived by the manner in which the
invention was made.

2.   Claims 1-9, 14-21, 24-25 and 27 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Nelson (US 6,496,568) (hereinafter referred to as

Nelson) in view of Becker et al (US 6,591,263) (hereinafter referred to as Becker.

Regarding Claim 1:

Nelson discloses a computer program stored on a computer-readable medium

for operating a host computer, the computer program comprising:

A code segment executed by the host computer for receiving a scheduled

time of departure or arrival for an airline flight (Figure 1 (143) Flight Manifests);

A code segment executed by the host computer for receiving an updated

time of departure or arrival for the airline flight (col. 2, lines 40-47 – *a flight delay*

or early arrival, (Figure 1, (142) *Real time flight information, notifier and updater*

system 110, col. 5, lines 3-13);

A code segment executed by the host computer for comparing (*polling*

and evaluating) the updated time of departure or arrival to the scheduled time of

departure or the arrival for the flight (Figure 3B(350-365) col. 2, lines 17-25 and

35-39, col. 5, lines 3-13 *the customer message manager performing the steps of*

polling *an airline system to receive airline information,* **evaluating** *the received*

information to generate notification events); and

A code segment executed by the host computer for automatically pushing

notification information to at least one passenger on the airline flight or an agent

of the passenger (col. 1, lines 64-67 *the customer message manager provides*

notification through email, paging, a web site, automated voice synthesis,

interactive voice response, and/or a call center, col. 2, lines 17-25 *polling and*

evaluating the received airline information to generate notification events,

determining a set of customers to provide notification of the generated

notification event and initiating notification to the set of customers)

Nelson does not disclose the notification if the updated time of departure

or arrival varies from the scheduled time of departure or arrival *by a*

predetermined amount of time.

However, Becker teaches notification if the updated time of departure or

arrival varies by a predetermined amount of time (notification criteria such as

information threshold which includes total length of anticipated delay) (col. 4, line

67 thru col. 5, line 4 *system notify them automatically according to a set of*

notification criteria such as time of day, information threshold (e.g. total length of anticipated delays, total travel time, required arrival time, etc and the like).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the notification criteria of Becker with the disclosure of Nelson since the Multi Modal Travel Information System (MTIS) of Nelson significantly reduces the traveler's burden and frustration with the additional and often irrelevant information reported by known systems through dissemination of portions of the generalized travel conditional information and provides for personalized information for personalized travel conditions.

Regarding Claim 6:

Nelson discloses a computer program stored on a computer-readable medium for operating a host computer, the computer program comprising;

A code segment executed by the host computer for receiving and storing in a database scheduled times of departure or arrival for airline flights (Figure 1 (143) Flight Manifests);

A code segment executed by the host computer for receiving and storing in the database any updated times of departure or arrival for the flights (col. 2, lines 40-47 –*a flight delay or early arrival,* (Figure 1 (142) *Real time flight information, notifier and updater system* 110, col. 5, lines 3-13);

A code segment for comparing (*polling and evaluating*) for each of the flights the scheduled time of departure or arrival to the updated time of departure or arrival ((Figure 3B(350-365) col. 2, lines 17-25 and 35-39, col. 5, lines 3-13 *the*

*customer message manager performing the steps of **polling** an airline system to receive airline information, **evaluating** the received information to generate notification events)*;

A code segment for flagging (*determining*) records in the database corresponding to flights in which the updated times of departure or arrival vary from the scheduled times of departure or arrival (col. 3, lines 44-67 *Customer Message Manager (CMM) (105) comprises a notifier and updater system (110) which is the computing engine that drives the determination of which events require customer notification and then commences the process using a set of notifier rules(106) in making this determination*, col. 5, lines 3-13 - *CMM 105 polls airline databases 130 and then based on notifier rules, notifier and updater system 110 determine* (flag) *what events require customer notification*); and

A code segment for periodically querying the database to locate all flagged records and pushing notification information to at least one passenger or an agent of the passenger on each flight corresponding to a record that has been flagged (Figure 3A 300-320 col. 3, lines 54-67 *notifier and updater system 110 can then query the airline databases 130 and determine what passengers are on the canceled flight and initiate the order of notification to the affected customers based on some criteria*).

Nelson does not disclose the notification if the updated time of departure or arrival varies from the scheduled time of departure or arrival by a predetermined amount of time.

However, Becker teaches the notification if the updated time of departure

or arrival varies from the scheduled time of departure or arrival by a

predetermined amount of time (notification criteria such as information threshold

e.g. total length of anticipated delays) (col. 4, line 67 thru col. 5, line 4 *system*

notify them automatically according to a set of notification criteria such as time of

day, information threshold (e.g. total length of anticipated delays, total travel time,

required arrival time, etc and the like).

Therefore, it would have been obvious to one of ordinary skill in the art at

the time of the invention to combine the notification criteria of Becker with the

disclosure of Nelson since the Multi Modal Travel Information System (MTIS) of

Nelson significantly reduces the traveler's burden and frustration with the

additional and often irrelevant information reported by known systems through

dissemination of portions of the generalized travel conditional information and

provides for personalized information for personalized travel conditions.

Regarding Claim 14:

Nelson discloses method of notifying airline passengers of airline flight

status changes, the method comprising the steps of:

Receiving scheduled departure or arrival times of a plurality of airline

flights and storing the scheduled departure or arrival times in a computer

readable memory (Figure 1 (143) Flight Manifests);

Receiving updated departure or arrival times for the airline flights and

storing the updated departure or arrival times in a computer readable memory

(Col. 2, lines 40-47 –flight delay or early arrival; Figure 1 (142) Real time flight

information);

Comparing (*polling and evaluating*) the scheduled departure or arrival

times to the updated departure or arrival times (Figure 3B(350-365) col. 2, lines

17-25 and 35-39, col. 5, lines 3-13 *the customer message manager performing*

the steps of polling an airline system to receive airline information, evaluating

the received information to generate notification events); and

Automatically pushing notification information to at least one passenger on

an airline flight if the updated departure or arrival time for the airline flight varies

from the scheduled departure or arrival for the airline flight (col. 1, lines 64-67 *the*

customer message manager provides notification through email, paging, a web

site, automated voice synthesis, interactive voice response, and/or a call center,

col. 2, lines 17-25 *polling and evaluating the received airline information to*

generate notification events, determining a set of customers to provide

notification of the generated notification event and initiating notification to the set

of customers).

Nelson does not disclose the notification if the updated time of departure

or arrival varies from the scheduled time of departure or arrival *by a*

predetermined amount of time.

However, Becker teaches notification if the updated time of departure or

arrival varies by a predetermined amount of time (notification criteria such as

information threshold which includes total length of anticipated delay) (col. 4, line

67 thru col. 5, line 4 *system notify them automatically according to a set of*

notification criteria such as time of day, information threshold (e.g. total length of

anticipated delays, total travel time, required arrival time, etc and the like).

Therefore, it would have been obvious to one of ordinary skill in the art at

the time of the invention to combine the notification criteria of Becker with the

disclosure of Nelson since the Multi Modal Travel Information System (MTIS) of

Nelson significantly reduces the traveler's burden and frustration with the

additional and often irrelevant information reported by known systems through

dissemination of portions of the generalized travel conditional information and

provides for personalized information for personalized travel conditions.

Regarding Claims 2, 7 and 15:

Nelson discloses a computer program and method wherein the notification

information includes information relating to the updated time of departure or

arrival for the airline (Figures 5A (510) *compose email message wherein 5B*

(555) represents a response from the customer).

Regarding Claims 3-4, 8-9, and 16-17:

Nelson does not disclose the notification if the updated time of departure

or arrival varies from the scheduled time of departure or arrival *by a*

predetermined amount of time, that the predetermined amount of time is 10-60

minutes or approximately 30 minutes.

However, Becker teaches notification if the updated time of departure or

arrival varies by a predetermined amount of time (notification criteria such as

information threshold which includes total length of anticipated delay) (col. 4, line

67 thru col. 5, line 4 *system notify them automatically according to a set of*

notification criteria such as time of day, information threshold (e.g. total length of

*anticipated delays, **which could include 10-60 minutes or approximately 30***

***minutes,** total travel time, required arrival time, etc and the like).*

Therefore, it would have been obvious to one of ordinary skill in the art at

the time of the invention to combine the notification criteria of Becker with the

disclosure of Nelson since the Multi Modal Travel Information System (MTIS) of

Nelson significantly reduces the traveler's burden and frustration with the

additional and often irrelevant information reported by known systems through

dissemination of portions of the generalized travel conditional information and

provides for personalized information for personalized travel conditions.

Regarding Claim 5:

Nelson does not explicitly disclose receiving passenger reservation

information from an airline passenger or an agent of the passenger, the

passenger reservation information including information about an airline flight the

passenger is reserving

However, Becker discloses computer program further including a code

segment for receiving passenger reservation information from an airline

passenger or an agent of the passenger, the passenger reservation information

including information about an airline flight the passenger is reserving (col. 5,

lines 42-55 *Data elements are collected/captured for their personal profile for*

uniquely identifying the traveler, their personal travel route(s) and their preferred

notification criteria and communication devices for information delivery; Figure 1

(40) col. 5, lines 20-29 *conditions information (accidents, congestion, **delays**);*

Personalized multi-Modal Route Profiles – Route –Description – Origin –

Destination; col. 4, lines 41-58, *discloses travel mode as being rail, ferry, **air**, or*

tramway, etc., profile contains such items as the traveler's name, preferred travel

mode, travel time(s)).

It would have been obvious to one of ordinary skill in the art at the time of

the invention to combine the passenger reservation information teaching of

Becker with the disclosure of Nelson since it is the personal information which

includes travel times, destination, origin etc. that the system uses to construct a

filter that provides the end user with a notification of personalized travel condition

information.

Regarding Claims 18 and 20:

Nelson discloses computer program wherein the host computer comprises

a plurality of computing devices (Figure 1, col. 4, lines 2-6 and 46-56, Fig 7A,

notification via web page server).

Regarding Claims 19 and 21:

A computer program wherein the host computer comprises a computer

network (Figure 1, col. 4, lines 2-6, 46-56, Figure 7A notification via a web page

server).

Regarding Claims 24-25 and 27:

Nelson discloses computer program and method wherein the notification

information is pushed through electronic mail (col. 4, lines (46-56, Figure 5A

(500-515) send email message).

3.   Claims 10-13, 22-23 and 26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Becker in view or Nelson.

Regarding Claim 10, 12 and 13:

Becker discloses a computer program stored on a computer readable

medium for operating a host computer comprising code segments executed by

the host computer for:

Receiving passenger reservation information from an airline passenger,

the passenger reservation information including a scheduled time of departure or

arrival for a flight reserved by the passenger (col. 5, lines 42-55 *Data elements*

are collected/captured for their personal profile for uniquely identifying the

traveler, their personal travel route(s) and their preferred notification criteria and

communication devices for information delivery; Figure 1 (40) col. 5, lines 20-29

conditions information (accidents, congestion, delays); Personalized multi-Modal

Route Profiles – Route –Description – Origin – Destination; col. 4, lines 41-58,

discloses travel mode as being rail, ferry, air, or tramway, etc., profile contains

such items as the traveler's name, preferred travel mode, travel time(s))

Storing the passenger reservation information including the scheduled time of departure or arrival of the flight (col. 4, lines 41-58 – *personalized multi-modal profile contains such item as the notification time window(s) during with travel is anticipated*; col. 5, lines 42-55 – *each route defined within the profile contains a description, origin, multi-modal path and destination and the notification criteria includes the days of the week and times of day that travel on the route is anticipated*)

Receiving contact information from the passenger (col. 4, lines 41-58 (*profile contains preferred information delivery device, e.g. telephone, fax, pager, e-mail, etc,* Figure 1 (40);

Receiving an updated time of departure or arrival for the flight (col. 4, lines 29-40 *system receives real-time travel condition information*);

Accessing the date ranged information and comparing the scheduled time of departure or arrival to the updated time of departure or arrival (col. 2, line 52 thru col. 3, line 3 *system and method for filtering real time travel condition information in regard to traveler identity, destination, route, mode of conveyance and/or intended travel time for limitation information*, col. 12, line 64 thru col. 13, line 3 (*successful comparisons provided identification of the affected customers and corresponding route for storage with information concerning the travel conditions event as an affected customer list is built,* col. 5, line 67 thru col. 6, line 4 *once determination made that customer's designated notification time window falls some time during the expected duration of the event, a*

determination is made as to when to notify the customer of the travel condtion);

and

Automatically pushing notification information to the passenger or to an

agent of the passenger via the contact information if the updated time of

departure or arrival varies form the scheduled time of departure or arrival by a

predetermined amount of time (col. 4, line 67 thru col. 5, lines 4 *system notify*

them **automatically** *according to a set of notification criteria such information*

thresholds e.g. total length of anticipated delays – which could include a

predetermined about of time between 10-60 minutes or an amount of time of

approximately 30 minutes; col. 6, lines 4-8 *the final filtering process is to*

determine the customer's notification preference e.g. telephone, pager, email,

facsimile, Internet, Intranet).

Becker does not disclose queuing the passenger information at a date-

ranged queue using the time of departure or arrival.

However, Becker discloses collecting/capturing the personal profile

information which includes time of departure or arrival and the expected duration

of the travel condition wherein a determination is made that the customer's

designated notification time window falls some time during the expected duration

of the event and then a determination is made as to when to notify the customer

about the condition (col. 5, line 42 thru col. 6, line 8).

The Examiner takes Official Notice that putting information in a queue is

old and well in the art since queuing is simply listing items to be done, for

example, a print queue for a printer prints the items in the order that they are

requested.

Therefore, it would have been obvious to one of ordinary skill in the art at

the time of the invention to modify Becker to include the step of queuing the

information with respect to date in order for ease of processing.

Regarding Claim 11:

Becker discloses a program wherein the notification information includes

information relating to the updated time of departure or arrival (col. 5, lines 20-41

dissemination of personalized travel conditions information).

Regarding Claim 22:

Becker discloses a computer program wherein the host computer

comprises a plurality of computing devices (Figure 2, col. 5, lines 14-19 delivery

devices may be pages, email, facsimile, Internet, Intranet, in-vehicle devices).

Regarding Claim 23:

Becker discloses computer program wherein the host computer comprises

a computer network (Internet col. 5, lines 42-45).
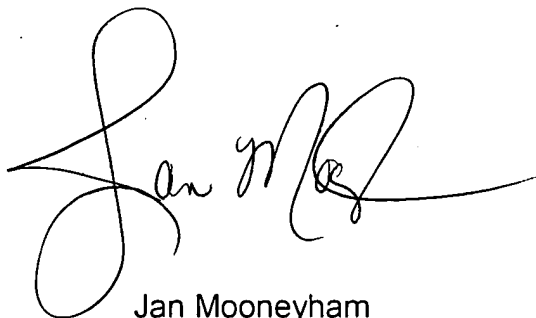
Regarding Claims 26:

Becker discloses a computer program wherein the notification information

is pushed through electronic mail. (Figure 1 (60), Figure 14 (1403 Customer

Notification Device (E-Mail))

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janice A. Mooneyham whose telephone number is (571) 272-6805. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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